

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION

FEDERAL TRADE COMMISSION,
STATE OF CALIFORNIA, STATE OF
COLORADO, STATE OF ILLINOIS,
STATE OF INDIANA, STATE OF IOWA,
STATE OF MINNESOTA, STATE OF
NEBRASKA, STATE OF OREGON,
STATE OF TENNESSEE, STATE OF
TEXAS, STATE OF WASHINGTON, and
STATE OF WISCONSIN,

Plaintiffs,

v.

SYNGENTA CROP PROTECTION AG,
SYNGENTA CORPORATION,
SYNGENTA CROP PROTECTION, LLC,
and CORTEVA, INC.,

Defendants.

Case No. 1:22-cv-00828-TDS-JEP

**PLAINTIFFS' SUGGESTION OF
SUBSEQUENTLY DECIDED
AUTHORITY**

Pursuant to Local Rule 7.3(i), Plaintiffs Federal Trade Commission and States of California, Colorado, Illinois, Indiana, Iowa, Minnesota, Nebraska, Oregon, Tennessee, Texas, Washington, and Wisconsin hereby submit a suggestion of subsequently decided authority relevant to Defendants' Motions to Dismiss the Amended Complaint (Docs. 94, 99) and Plaintiffs' Response in Opposition thereto (Doc. 110).

The subsequently decided authority is *United States v. Google LLC*, No. 20-CV-3010 (APM), 2023 WL 4999901, at *2, *16 (D.D.C. Aug. 4, 2023) (addressing whether agreements providing a supplier with a preferred distribution position in exchange for a

share of the resulting revenue may constitute *de facto* exclusive dealing). It is attached hereto as Exhibit A.

Dated: August 16, 2023

Respectfully submitted,

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